

**BEST AVAILABLE COPY**



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JH 91

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/816,955    03/23/01    BAUER

D    TIP-119-3

EXAMINER
----------

PM82/0914

JOHN R. BENEFIEL  
280 DAINES STREET, SUITE 100 B  
BIRMINGHAM MI 48009

FILED IN, F	
ART UNIT	PAPER NUMBER

3618  
DATE MAILED:

09/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/816,955

Applicant(s)

BAUER ET AL.

Examiner

Faye Fleming

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claims 1-45, the phrase "particular" renders the claim(s) indefinite.

Correction is required.

3. In claim 1, the recitation that a preweakened automotive interior trim piece for covering an air bag installation in an automotive vehicle is unclear because such a recitation is inconsistent with the preamble. The applicant should clarify what subject matter the claim is drawn to, i.e. either the sub-combination of a preweakened automotive interior trim piece alone or the combination of a preweakened automotive interior trim piece and an automobile vehicle. The examiner is considering the claim to be a combination claim. Applicant should amend the claim(s) accordingly.

4. Claim 1 recites the limitation "said automobile vehicle" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 21, 23, 24, 25-28, 30, 33-36, 38-40, 42, 44 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuyama, et al ('424). Okuyama, et al discloses a

Art Unit: 3618

preweakened automotive interior trim piece 32, said preweakening 50 applied in a predetermined pattern enabling formation of an air bag deployment opening in said trim piece 32 by pressure exerted by a deploying air bag mounted on the inside of said trim piece 32 at a location, said trim piece 32 comprised of one or more layers (See Figures 1 and 3) and having an inner surface 40 and an outer surface 38, said outer surface visible from within said automotive vehicle and extending smoothly and uninterruptedly across said preweakening at said location, said preweakening 50 comprising a scoring of said inner surface and extending along said predetermined pattern, said scoring having a stepped depth configuration, as shown in Figure 3, adjacent to said outer surface of said trim piece, along said predetermined pattern, without completely penetrating through to said outer surface. The trim piece preweakened by a scoring pattern on inner side of said covering layer by extending to a depth on the order of 20% to 80% of the thickness of said covering layer.

*Regarding claim 2*, said trim piece 32 includes a substrate layer 40 and an overlying covering layer 38.

*Regarding claim 3*, said preweakening extends partially into said substrate, as shown in Figure 3.

*Regarding claim 4*, said preweakening extends completely through said substrate, as shown in Figure 3.

*Regarding claim 5*, said preweakening 50 extends into the covering layer 38 without completely penetrating through to said outer surface.

*Regarding claim 23*, said penetrations are slots.

Art Unit: 3618

Regarding claim 25, said stepped depth groove portion forms partial perforations in an inside surface of said outer layer.

*Regarding claim 26*, said stepped depth groove portion forms slots in an inside surface of said outer layer.

*Regarding claim 28*, said cover layer has a predetermined remaining thickness along said predetermined pattern at the bottom of said spaced apart penetrations.

Regarding claim 39, said scoring is continuous.

Regarding claim 40, said scoring is intermittent.

Regarding claim 42, said substrate is also preweakened along said predetermined pattern.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-20, 22, 29, 31, 32, 37, 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama, et al ('424) in view of Takamatsu, et al (213).

Okuyama, et al discloses the claimed invention except for the trim piece comprising various layers of material. Takamatsu, et al discloses a trim piece including a substrate layer 32, an inner covering layer 14 overlying said substrate and an outside covering layer 26 overlying said inner covering layer.

Art Unit: 3618

*Regarding claim 7*, Takamatsu, et al teaches the inner covering layer 14 overlying said substrate layer is a foam layer.

*Regarding claim 8*, Okuyama, et al in view of Takamatsu, et al teaches said preweakening extends partially into said substrate.

*Regarding claim 9*, Okuyama, et al in view of Takamatsu, et al teaches said preweakening extends completely through said substrate.

*Regarding claim 10*, Okuyama, et al in view of Takamatsu, et al teaches said preweakening extends partially into said inner covering layer.

*Regarding claim 11*, Okuyama, et al in view of Takamatsu, et al teaches said preweakening extends completely through said inner covering layer.

*Regarding claim 12*, Okuyama, et al in view of Takamatsu, et al teaches said preweakening extends partially into said outer covering layer without completely penetrating through to said outer layer surface.

*Regarding claim 13*, Okuyama, et al in view of Takamatsu, et al teaches said scoring is continuous.

*Regarding claim 14*, said trim piece includes a substrate layer with one or more covering layers, and wherein said preweakening includes a continuous scoring completely penetrating said substrate layer and extending along said predetermined pattern.

*Regarding claim 15*, Okuyama, et al in view of Takamatsu, et al teaches said scoring is intermittent.

*Regarding claim 16*, Okuyama, et al in view of Takamatsu, et al teaches said stepped depth scoring is partial perforations.

Art Unit: 3618

*Regarding claim 17*, Okuyama, et al in view of Takamatsu, et al teaches said stepped depth scoring is slots.

*Regarding claim 18*, Okuyama, et al in view of Takamatsu, et al teaches there is a predetermined thickness of trim piece material remaining at each point past said stepped depth scoring.

*Regarding claim 19*, Okuyama, et al in view of Takamatsu, et al teaches said covering layer preweakening is in the form of said stepped depth configuration.

*Regarding claim 20*, Okuyama, et al in view of Takamatsu, et al teaches said covering layer preweakening is in the form of said stepped depth configuration.

*Regarding claim 22*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have round penetrations, since changing the shape of the penetrations would not change the function of the device claimed.

*Regarding claim 29*, Okuyama, et al in view of Takamatsu, et al teaches said trim piece includes an inside rigid substrate layer defining said inner surface, said cover layer, and an intervening foam layer.

*Regarding claim 31*, Okuyama, et al in view of Takamatsu, et al teaches said trim piece comprises a construction having a foam layer in between said substrate and cover layer.

*Regarding claim 32*, Okuyama, et al in view of Takamatsu, et al teaches said trim piece comprises a substrate and foam clad cover layer construction.

*Regarding claim 34*, Okuyama, et al in view of Takamatsu, et al teaches said scoring is continuous.

*Regarding claim 35*, Okuyama, et al in view of Takamatsu, et al teaches said scoring is intermittent.

Art Unit: 3618

*Regarding claim 36*, Okuyama, et al in view of Takamatsu, et al teaches said foam and substrate layers are also preweakened along said predetermined pattern.

*Regarding claim 37*, Okuyama, et al in view of Takamatsu, et al teaches a scrim layer is bonded to inner side of said substrate panel and is also preweakened along said predetermined pattern


*Regarding claim 41*, Okuyama, et al in view of Takamatsu, et al teaches said covering layer comprises a skin preformed with a foam backing layer.

*Regarding claim 43*, Okuyama, et al in view of Takamatsu, et al teaches a scrim layer is bonded to inner side of said substrate panel and is also preweakened along said predetermined pattern. Based on the teaches of Takamatsu, et al, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the trim piece of Okuyama, et al include various layers of material to provide additional protection for an occupant of a vehicle.

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Notice of References Cited list references disclosing some features in common with the present invention.

Any inquiry concerning this communication should be directed to Faye Fleming at telephone number (703) 305-0209.

  
PAUL N. DICKSON  
PRIMARY EXAMINER

Faye Fleming  
Examiner  
Art Unit 3618

  
09/10/01

9/10/01